

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147A.4, the Department of Public Health hereby amends Chapter 141, “Love Our Kids Grant,” Iowa Administrative Code.

The amendments:

- Remove references to EMS regions that are no longer in existence.
- Lift restrictions related to the number of awards and funding limits for projects. This modification will allow for better utilization of available funding, thereby ensuring timely utilization of funds to complete injury prevention and education initiatives.
- Remove a reference to <http://ruralhealth.hrsa.gov>, which is the Web site used to identify federally appointed rural areas.
- Clarify acceptable uses of funding.
- Revise the rules relating to the application process and application denial so that the rules remain consistent with Department policies and with 641—Chapter 176.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2366C** on January 20, 2016. No public comment was received. These amendments are identical to those published under Notice.

The Department of Public Health adopted these amendments on March 9, 2016.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 147A.4 and 321.34.

These amendments will become effective May 5, 2016.

The following amendments are adopted.

ITEM 1. Rescind the definitions of “Director,” “Fiscal year” and “Service delivery area” in rule **641—141.1(321)**.

ITEM 2. Amend rule **641—141.1(321)**, definition of “Service program,” as follows:

“*Service program*” ~~or “service”~~ means any medical care ambulance service or nontransport service that has received authorization by the department.

ITEM 3. Amend subrule 141.3(3) as follows:

141.3(3) Following the disbursement of the funds pursuant to subrule 141.3(1), ~~depending upon availability of funds, up to 24 contracts, with a goal of funding at least three per EMS region for \$1500 each, funding~~ may be made available to statewide, regional and local agencies or service programs that are ~~located within the federally appointed rural areas (listing of eligible rural counties can be found at <http://ruralhealth.hrsa.gov>) and have as their responsibility the~~ responsible for development, promotion, and implementation of injury prevention and education initiatives for children. To the extent possible, funds shall be awarded and equally distributed to applicants across all geographic areas of the state.

ITEM 4. Amend rule 641—141.4(321) as follows:

641—141.4(321) Use of funds. Funds may be used for injury prevention initiatives specified within the guidelines for children aged birth to 21₂, including but not limited to:

1. Education and training materials;
2. ~~Training Equipment, supplies, and materials and equipment~~;
3. ~~Safety equipment~~ Public information and education campaigns;
4. ~~Public information and education campaigns~~ Conferences/seminars/workshops;
5. ~~Conferences/seminars/workshops~~ Contractual services;
6. ~~Systems development~~; Personnel costs;
7. ~~Contractual services~~;
8. ~~Personnel costs~~.

ITEM 5. Amend rule 641—141.5(321) as follows:

641—141.5(321) Application process. An application for a love our kids grant is required, and Applications are available from the Iowa Department of Public Health, Bureau of EMS Emergency and Trauma Services, Lucas State Office Building, Des Moines, Iowa 50319-0075. The application process is as follows:

141.5(1) Applications from qualified applicants shall be submitted to the department prior to July 1 of each year in accordance with the department's approved application process.

141.5(2) The department shall review the application, and may request clarification, approve the application, partially approve, request clarification or request a new application or deny the application.

ITEM 6. Amend rule 641—141.6(321) as follows:

641—141.6(321) Application denial or partial denial—appeal. An applicant may appeal the denial of a timely submitted application. Appeals shall be conducted pursuant to 641—Chapter 176.

141.6(1) Denial or partial denial of an application shall be effected in accordance with the requirements of Iowa Code section 17A.12. Notice to the applicant of denial or partial denial shall be served by restricted certified mail, return receipt requested, or by personal service.

141.6(2) Any request for appeal concerning denial or partial denial shall be submitted by the aggrieved party in writing to the department by certified mail, return receipt requested, within 30 days of the receipt of the department's notice. The address is Iowa Department of Public Health, Bureau of Emergency Medical Services, Lucas State Office Building, Des Moines, Iowa 50319-0075. Prior to or at the hearing, the department may rescind the denial or partial denial. If no request for appeal is received within the 30-day time period, the department's notice of denial or partial denial shall become the department's final agency action.

141.6(3) Upon receipt of an appeal that meets contested case status, the appeal shall be forwarded within five working days to the department of inspections and appeals pursuant to the rules adopted by that agency regarding the transmission of contested cases. The information upon which the adverse action is based and any additional information which may be provided by the aggrieved party shall also be provided to the department of inspections and appeals.

141.6(4) The hearing shall be conducted according to the procedural rules of the department of inspections and appeals found in 481—Chapter 4, Iowa Administrative Code.

141.6(5) When the hearing officer makes a proposed decision and order, it shall be served by restricted certified mail, return receipt requested, or delivered by personal service. That proposed decision and order then becomes the department's final agency action without further proceedings ten days after it is received by the aggrieved party unless an appeal to the director is taken as provided in subrule 141.6(6).

141.6(6) Any appeal to the director for review of the proposed decision and order of the administrative law judge shall be filed in writing and mailed to the director by certified mail, return receipt requested, or delivered by personal service within ten days after the receipt of the administrative law judge's proposed decision and order by the aggrieved party. A copy of the appeal shall also be mailed to the administrative law judge. Any request for an appeal shall state the reason for appeal.

141.6(7) Upon receipt of an appeal request, the administrative law judge shall prepare the record of the hearing for submission to the director. The record shall include the following:

- a. All pleadings, motions, and rules.
- b. All evidence received or considered and all other submissions by recording or transcript.
- c. A statement of all matters officially noticed.
- d. All questions and offers of proof, objections and rulings on them.
- e. All proposed findings and exceptions.
- f. The proposed decision and order of the administrative law judge.

141.6(8) The decision and order of the director becomes the department's final agency action upon receipt by the aggrieved party and shall be delivered by restricted certified mail, return receipt requested, or by personal service.

~~141.6(9)~~ It is not necessary to file an application for a rehearing to exhaust administrative remedies when appealing to the director or the district court as provided in Iowa Code section 17A.19. The aggrieved party to the final agency action of the department who has exhausted all administrative remedies may petition for judicial review of that action pursuant to Iowa Code chapter 17A.

~~141.6(10)~~ Any petition for judicial review of a decision and order shall be filed in the district court within 30 days after the decision and order becomes final. A copy of the notice of appeal shall be sent to the department by certified mail, return receipt requested, or by personal service. The address is Iowa Department of Public Health, Bureau of Emergency Medical Services, Lucas State Office Building, Des Moines, Iowa 50319-0075.

~~141.6(11)~~ The party who appeals a final agency action to the district court shall pay the cost of the preparation of a transcript of the contested case hearing for the district court.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/30/16.